



CALIFORNIA  
ENERGY  
COMMISSION

1516 Ninth Street  
Sacramento, CA 95825-5512  
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[www.energy.ca.gov](http://www.energy.ca.gov)

## NOTICE OF PREHEARING CONFERENCE & EVIDENTIARY HEARING

HENRIETTA PEAKER PROJECT  
APPLICATION FOR CERTIFICATION  
DOCKET NO. 01-AFC-18

### Contents:

This **NOTICE** contains the dates and locations, as well as procedures, for:

1. Prehearing Conference
2. Evidentiary Hearing
3. Procedures to Intervene

### Important Notice to Public & Agencies:

#### Prehearing Conference & Evidentiary Hearing topics:

Air Quality  
Alternatives  
Biology  
Compliance  
Cultural Resources  
Efficiency  
Facility Design  
Geology  
Hazardous Materials  
Land Use  
Noise  
Public Health  
Reliability  
Socioeconomics  
Traffic and Transportation  
Transmission Line Safety  
Transmission System  
Engineering  
Waste Management  
Water Quality & Soils  
Water Resources  
Worker Safety  
Visual Resources

The Henrietta Peaker Project Committee (Committee) is reviewing an Application for Certification (AFC) by GWF Energy to construct a peaking power plant project adjacent to PG&E's Henrietta Substation near the City of Lemoore in Kings County. The Committee will conduct a Prehearing Conference to identify issues and assess the parties' readiness to begin Evidentiary Hearings covering all impacts of the proposed power plant. **The public and interested agencies are encouraged to attend and make comments on the topics to be discussed listed in the side bar.** Written comments (original & 11 copies) on the proposed project may be submitted to the Energy Commission, Docket Unit (01-AFC-18), 1516 - 9<sup>th</sup> Street, Sacramento, CA 95814 any time prior to the close of the siting proceeding.

If during the Prehearing Conference, the Committee determines all potential issues are uncontested, the Committee will convene an Evidentiary Hearing to immediately follow the Prehearing Conference, in order to receive the Applicant's AFC and related documentation, the Staff Assessment, and the San Joaquin Valley Air District's Determination of Compliance into the record for the purpose of preparing the Proposed Decision. If any matter is contested, the Evidentiary Hearing will be scheduled for January 17, 2002, according to the attached Revised Schedule.

**Documents:** The Applicant's information concerning the potential project impacts is found in its AFC and data responses. In addition, the staff of the Energy Commission will publish an independent analysis in the **Staff Assessment** (SA). The **Staff Assessment** also will evaluate potential project impacts, mitigation and proposed conditions of certification for each topic listed in the side bar.

The **Staff Assessment** will be available December 17, 2001, in a printed version, as well as on the Energy Commission Web Site for downloading: [\[www.energy.ca.gov/sitingcases/henrietta/documents\]](http://www.energy.ca.gov/sitingcases/henrietta/documents).

A printed copy of the Staff Assessment may be obtained by contacting Staff's Project Manager, Bob Eller, at 916-651-8835 or e-mail at: [\[beller@energy.state.ca.us\]](mailto:beller@energy.state.ca.us).

### Pre-Hearing Conference & Evidentiary Hearing - Date & Place:

Friday, January 4, 2002  
Beginning at 10:00 a.m.  
Hearing Room A, California Energy Commission  
1516 Ninth Street, Sacramento, California  
(Wheelchair accessible and map attached).

**Teleconference:**

As a convenience, parties and members of the public who cannot attend the Prehearing Conference in person may participate by calling the toll-free number for the proceeding: 1-888-664-9852 (Passcode: "Henrietta;" Leader: "Garret Shean").

**Prehearing Conference  
– Purpose &  
Procedures:**

The Committee will conduct a Prehearing Conference to assess readiness for Evidentiary Hearings, to identify areas of agreement and dispute, and discuss procedures for the Evidentiary Hearing. To present evidence that will become part of the record upon which the Proposed Decision is based, a person, group or agency must become an intervenor, also known as a "party" to the proceeding. (See below) **All Petitions to Intervene must be submitted no later than January 4, 2002.**

During the Prehearing Conference, the Hearing Officer will maintain a list of topics (See Appendix A) which will include, among other things, an indication of whether any party requests an opportunity to present evidence or cross-examine a witness on that topic and the nature of the expected testimony. Therefore, the filing of a written Prehearing Conference Statement is optional for any party participating in the Prehearing Conference.

Any party intending to present a witness at the Evidentiary Hearing who does not participate in the Prehearing Conference shall file and serve on all parties a statement identifying the issue to be presented and the name of the witness(es) on or before January 3, 2002.

**Becoming an  
"Intervenor:"**

Anyone with a legitimate interest relevant to the siting of the proposed power plant may file a Petition to Intervene and become a formal party to this proceeding. Party status provides the rights to present independent evidence, receive pertinent documents, and cross-examine witnesses; it also imposes the duty to comply with various orders, procedures, and filing requirements, as well as be subject to cross-examination by other parties.

In this proceeding, a Petition to Intervene shall be filed **no later than January 4, 2002**. The Energy Commission, through its Public Adviser's office, will assist anyone interested in preparing a Petition to Intervene. Contact Roberta Mendonca, the Public Adviser, at 916-654-4489, toll-free 800-822-6228, or by e-mail at: [\[jpao@energy.state.ca.us\]](mailto:jpao@energy.state.ca.us).

**Evidentiary Hearing –  
Purpose and  
Procedures:**

The purpose of the Evidentiary Hearing is to establish the record upon which this case will be decided through the taking of oral, written or documentary evidence under oath from the Applicant, Commission staff, and others.

If no contested issues are identified at the Prehearing Conference, the Prehearing Conference will be concluded and the meeting will be immediately converted to an Evidentiary Hearing to take evidence from the parties. Witnesses may appear by declaration instead of in person if the topic is uncontested.

If a topic is contested, the Evidentiary Hearing will be conducted on January 17, 2002, and any witness must appear in person to testify under oath and may be subject to cross-examination by other parties. A party sponsoring an expert witness, either by declaration or in person, shall establish the witness' qualifications.

**Electronic Submission  
of Evidence:**

To assist the Committee in the preparation of the Proposed Decision, each party submitting evidence to the record for the purpose of having the Committee rely upon it in making a finding shall submit that evidence in electronic, Word 97-compatible form not later than January 14, 2002.

**Help:**

**800-822-6228**  
(toll free in California)

**916-654-4489**

Members of the public may participate in all phases of the licensing process in a variety of ways. If you need information concerning public participation, please contact Roberta Mendonca, the Energy Commission's Public Adviser, at 916-654-4489, toll free in California, at 800-822-6228, or by e-mail at: [\[pao@energy.state.ca.us\]](mailto:pao@energy.state.ca.us).

If you have a disability and need assistance to participate in this proceeding, please contact Priscilla Ross at 916-653-3361 at least five days before the meeting.

Information concerning the status of the project, notices and other relevant documents are available on the Commission's Web Site at:

**[www.energy.ca.gov/sitingcases/henrietta](http://www.energy.ca.gov/sitingcases/henrietta)**

**Contacts:**

Technical questions concerning the project should be addressed to the Energy Commission Staff's Project Manager, Bob Eller, at 916-651-8835 or e-mail at: [\[beller@energy.state.ca.us\]](mailto:beller@energy.state.ca.us).

Questions of a legal or procedural nature should be directed to Garret Shean, the Hearing Officer, at 916-654-3893 or e-mail at: [\[gshean@energy.state.ca.us\]](mailto:gshean@energy.state.ca.us).

Media inquiries should be directed to Claudia Chandler, Assistant Executive Director for Media and Public Communications, at 916-654-4989 or by e-mail at: [\[energia@energy.ca.gov\]](mailto:energia@energy.ca.gov).

**Dated: December 11, 2001**

**ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION**

\_\_\_\_\_  
/s/  
ARTHUR H. ROSENFELD  
Commissioner and Presiding Member  
Henrietta AFC Committee

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/s/  
MICHAL C. MOORE  
Commissioner and Associate Member  
Henrietta AFC Committee

Mailed to Lists - 7128, 7129 & 7130

# ORDER OF TOPICS

COMMITTEE PREHEARING CONFERENCE  
January 4, 2002

TOPIC	HEARING REQUESTED? EXPLAIN ISSUE
Noise	
Biology	
Water Resources	
Water Quality & Soils	
Visual Resources	
Air Quality	
Alternatives	
Public Health	
Traffic/Trans	
Socioeconomic	
Land Use	
Trans. Sys. Eng.	
Trans. Line Safety	
Efficiency	
Geology	
Facility Design	
Reliability	
Worker Safety	
Cultural Resources	
Waste Management	
Hazardous Materials	
Compliance	

## HENRIETTA REVISED SCHEDULE

DAY	DATE	ACTIVITY
0	Oct-17	Energy Commission (CEC) determines Application is complete
		Notice of Informational Hearing, Site Visit & Schedule
		Staff Files and Serves Data Requests
		Staff Publishes Issue Identification Report
	Nov-8	Informational Hearing & Site Visit
		Data Request Workshop(s) (per Staff)
		Committee Determines Application Qualifies: Pub. Res. Code § 25552
	Nov-14	Applicant Files Data Responses (per Staff)
50	Dec-7*	<b>Initial Critical Path Items Required from Applicant -</b> <input checked="" type="checkbox"/> Preliminary Determination of Compliance (PDOG) <input checked="" type="checkbox"/> Biological Opinion or Equivalent Demonstration of LORS Compliance <input checked="" type="checkbox"/> Cal-ISO Transmission Interconnection Review and Approval <input checked="" type="checkbox"/> "Will Serve" Letter or Equivalent from Water Supplier <input checked="" type="checkbox"/> Demonstration of NPDES Permit Compliance, if Necessary <input checked="" type="checkbox"/> Responses to All Data Requests Not Previously Submitted <input checked="" type="checkbox"/> Any Other Critical Path Item Known to Applicant
60	Dec-17	Staff files and serves Staff Assessment
	Jan-4	Committee Workshop(s)/Prehearing Conference
	Jan-4	Committee Files and Serves Hearing Order
	Jan-14	Testimony Filed and Served
	Jan-17	Evidentiary Hearing (If Necessary & Possibly Preceded by Committee Workshops)
	Feb-1	Presiding Member's Proposed Decision (PMPD) Issued (Based on FDOC); Begin 30-day Public Comment Period
		<b>Final Critical Path Items Required from Applicant -</b> <input checked="" type="checkbox"/> Adopted Final General Plan Amendment, Zoning Ordinance, and/or Conditions Required by Local Agencies but for CEC Jurisdiction
	Mar-6	End of Public Comment Period on PMPD
	Mar-6	Decision on PMPD (Regularly Scheduled Commission Business Meeting)

### Or, if Necessary

		"Revised" PMPD Issued; Begin 15-day Public Comment Period
		End of Public Comment Period on Revised PMPD
		Decision on Revised PMPD

\* **IMPORTANT:** Applicant's failure to provide such items by the identified date will result in the continuance or suspension of the proceeding or a determination that the proceeding shall not continue under PRC 25552.

